

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Nicola Tollett Jefferson, : **Chapter 13**
:
Debtor. : **Case No. 17-13595 (JKF)**

**ORDER GRANTING IN PART AND DENYING IN PART THE SUPPLEMENTAL FEE
APPLICATION**

AND NOW, this 6th day of May, 2019, upon consideration of the Supplemental Application for Compensation filed by the Debtor's Counsel, Alfred Abel (doc. no. 84, the "Supp. Fee App.):

AND this chapter 13 case having been filed on May 23, 2017;

AND the Debtor's chapter 13 plan having been confirmed on January 4, 2018;

AND on February 1, 2018, upon application, the Debtor's counsel having been allowed initial fees of \$11,372.00 and expenses of \$422.00 (doc. no. 76, the "First Fee Award");¹

AND since the First Fee Award, the only activity in this case being a Stipulation which was entered with the automobile creditor (Toyota Motor Credit Corporation) (doc. no. 80, the "Stipulation");

¹ \$11,372.00 is an unusually large amount of fees in this district, perhaps more than twice as much as is awarded in similar chapter 13 cases.

AND on April 15, 2019, the Debtor's Counsel having filed the Supp. Fee App., seeking additional compensation of \$1,912.50 for 5.1 hours worked at the rate of \$375 per hour as well as reimbursement of \$24 for expenses;

AND the Supp. Fee App. stating, *inter alia*, that "all services rendered . . . were *actual* and necessary." (p.2, emphasis added);

AND the time detailed in the Exhibit to the Supp. Fee App. including hours spent emailing the Debtor and negotiating and filing the Stipulation;

AND the Debtor's counsel also including in the Supp. Fee App. the following charges:

- \$375.00 for drafting the fee petition (one hour)
- \$375.00 for "[e]stimated time for court appearance on fee petition" (one hour)
- \$24.00 flat rate for "[e]stimated parking for court appearance for petition."

(Ex. B, the "Extra Fees");

BUT there being no scheduled or anticipated hearing regarding the Supp. Fee App; **AND** the Debtor's counsel having failed to explain either why the Extra Fees are reasonable or why he has taken the unusual step of charging a client for fees and costs which have not occurred and may well never occur;

AND the court therefore determining that the Extra Fees are unreasonable.² See e.g., In re Gagnon, 505 B.R. 90 (Bankr. D. Mass. 2014). Consequently, the fees awarded to Debtor's counsel will be reduced by \$774.00;

AND for the foregoing reasons, the Supp. Fee App. is **denied in part and granted in part**. Fees in the amount of **\$1,138.50** are allowed to the Debtor's counsel and may be paid according to the terms of the confirmed chapter 13 plan.



HONORABLE JEAN K. FITZSIMON
United States Bankruptcy Judge

² It is debatable whether the other fees outlined in the Supp. Fee App. are reasonable. While fees for these services will be allowed, counsel should take a more cautious approach in future applications.